



MEETING WILL BE LIVE STREAMED ON YOUTUBE: [Page County, Virginia- YouTube](#)

AGENDA
Page County Planning Commission
Work Session
Board of Supervisors Room- County Government Center
103 South Court Street, Luray, VA 22835
June 22, 2021- 7:00 p.m.

Call to Order

- A. Pledge of Allegiance
- B. Moment of Silence
- C. Microphone Reminder

Adoption of Agenda

New Business

- A. Review of Chapter 100- Subdivision of Land Ordinance
- B. Review draft of proposed animal regulations in the Residential Zoning District (prepared by the subcommittee and sent to the Berkley Group)

Unfinished Business

None

Adjourn

**NOTES FROM MEETING ON MAY 4, 2021- SUB-COMMITTEE FOR ANIMALS IN THE
RESIDENTIAL ZONING DISTRICTS & GARDENING**

(Present: Jared Burner, Keith Guzy, Larry Foltz, Tracy Clatterbuck)

GARDENING

- 1) Add the following definition of gardening:
Any use of land for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for use and/or consumption by the occupants of the premises.
- 2) Add the following regulations for gardening:
 - a) Gardening shall be permitted in any zoning district.
 - b) Individuals shall be entitled to sell flowers, vegetables, crops, fruit from trees, or other botanical objects of natural growth which are grown in the garden on their property at a roadside stand on their property; however, such sales shall be limited to the flowers, vegetables, crops, fruit from trees, or other botanical objects of natural growth which are grown on the property and shall not include the sale of other items including, but not limited to, primitive decorations, décor, of other items.

ANIMALS IN THE RESIDENTIAL ZONING DISTRICT

- 1) On two acres or more (including contiguous lots), the keeping of FFA and 4H animals are permitted in the residential zoning district.
 - a. Staff can require proof of contract with the extension office for verification purposes.
 - b. Fencing regulations required as defined in Section 55.1-2804 of the Code of Virginia.
- 2) On lots less than two acres, the keeping of FFA and 4H animals are prohibited. Poultry excluded.
 - a. Fencing regulations required as defined in Section 55.1-2804 of the Code of Virginia.

*(Staff question: How many poultry can they have in residential zoning district on lots less than two acres?)

- 3) In the residential zoning district, the following are permitted (excludes FFA and 4H animals):
 - a. 2 through 6 acres (including contiguous lots)- Half animal unit per acre
 - b. 6+ acres (including contiguous lots)- 1 animal unit per acre
 - c. Fencing regulations required as defined in Section 55.1-2804 of the Code of Virginia.

*(Staff Comment: Need a definition of animal unit.)

Mr. Foltz wants the following somehow incorporated:

- Must be in compliance with DEQ regulations.
- The keeping of animals must be at least 100 feet from any water source.

Chapter 100

SUBDIVISION OF LAND

GENERAL REFERENCES

Building construction — See Ch. 40. Zoning — See Ch. 125.
Erosion and sediment control — See Ch. Ch.
50.

ARTICLE I
General Provisions

§ 100-1. Title.

This chapter is to be known and cited as the "Subdivision Ordinance of Page County, Virginia."

§ 100-2. Purpose.

The purpose and intent of this chapter is to assure the orderly subdivision of land and its development, to realize the wise and full utilization of our land resources, to ensure that subdivided lands are reasonably suited for their intended purposes, to ensure that anything which would detract from the full enjoyment of the subdivided property for its intended purposes be fully and fairly set forth in the plat filed of record so prospective purchasers will be fairly apprised thereof and to promote the health, safety, convenience and general welfare of the public.

§ 100-3. Word usage and definitions.

- A. In general. For the purpose of this chapter, certain words and terms used herein shall be interpreted or defined as follows: words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapprove"; and reference to this chapter includes all chapters amending or supplementing the same; all distances and area refer to measurement in a horizontal plane.

- B. As used in this chapter the following terms shall have the meanings indicated:

ALLEY — A permanent service way providing a secondary means of access to abutting properties.

BUILDING LINE — The distance which a building is from any street or roadway boundary line.

CLERK OF THE COMMISSION — The appointed representative of the governing body of Page County who is charged with the responsibility for administering and enforcing the provisions of this chapter and with such other specific duties as stated herein.

COMMISSION — The Planning Commission of Page County, Virginia.

CUL-DE-SAC — A street with only one outlet and having an appropriate turnaround for a safe convenient reverse traffic movement.

DEVELOPER — An owner of property being subdivided, whether or not represented by an agent.

EASEMENT — A grant by a property owner of the use of land for a specific purpose or purposes.

GOVERNING BODY — The Board of Supervisors of Page County, Virginia.

HEALTH OFFICIAL — The health director or sanitarian of Page County, Virginia.

HIGHWAY ENGINEER — The resident engineer employed by the Virginia Department of Highways.

JURISDICTION — The area or territory subject to the legislative control of the governing body.

LOT — A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development.

LOT, CORNER — A lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

LOT, DEPTH OF — The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE-FRONTAGE — An interior lot having frontage on two streets.

LOT, INTERIOR — A lot other than a corner lot.

LOT OF RECORD — A lot which has been recorded in the office of the Clerk of the Circuit Court.

LOT, WIDTH OF — The horizontal distance between the side lot lines measured at the street front setback line. **[Amended 6-21-2005]**

PLAT — Includes the terms "map, plan, plot, replat or replot"; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

PRELIMINARY SUBDIVISION PLAT — The proposed schematic representation of development or subdivision that establishes how the provisions of Virginia Code §§ 15.2-2241 and 15.2-2242 and other applicable statutes will be achieved. **[Added 9-16-2008]**

PROPERTY — Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

PUBLIC SEWER — A sewer system owned and operated by the County of Page or an incorporated town or a corporation franchised by the Commonwealth of Virginia under the jurisdiction of the State Health Department of Virginia.

PUBLIC WATER — A water system owned and operated by the County of Page or an incorporated town or a corporation franchised by the

Commonwealth of Virginia and under the jurisdiction of the State Health Department of Virginia.

SOIL SURVEY — A survey conducted by or approved by the Soil Conservation Service of the United States Department of Agriculture to determine characteristics of soils and related factors relative to suitability for subdivision.

STREET — The principal means of access to abutting properties.

STREET, COLLECTOR — A medium-traveled Category 2 and 3 (251 to 750 cars per day) thoroughfare which collects traffic from minor streets and directs it to a major street as established by the standards and rules of the Virginia Department of Transportation.*¹**[Amended 6-21-2005]**

STREET, MAJOR — A heavily traveled Category 4 (751 to 1,500 cars per day) thoroughfare or highway that carries through traffic as established by the standards and rules of the Virginia Department of Transportation.*¹**[Amended 6-21-2005]**

STREET, MINOR — A Category 1 (zero to 250 cars per day) street that is used primarily as a means of public access to the abutting properties as established by the standards and rules of the Virginia Department of Transportation.*¹**[Amended 6-21-2005]**

*Traffic volume is not the sole determining factor. VDOT uses: (1) rural local; (2) rural collector; (3) rural minor arterial; (4) rural major arterial.

¹NOTE: VDOT geometric requirements will be based on the traffic volume and function of the street.

STREET OR ALLEY, PUBLIC USE OF — The unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

STREET SERVICE DRIVE — A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating dangerous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway and streets ending in cul-de-sac.

STREET WIDTH — The total width of the strip from property line to property line dedicated or reserved for public use or travel, including roadway, curbs, gutters, sidewalks and planting strips.

SUBDIVIDE — To divide any tract, parcel or lot of land situated in whole or in part in the County of Page, Virginia, into two or more lots or parcels of land for the purpose, whether immediate or future, of transfer of ownership or building development and includes resubdivision. However, the term "subdivide" shall not include the following:

- (1) The straightening or rearranging of property lines of adjoining parcels if the number of lots does not change and the Clerk of the Commission feels that the rearrangement conforms to the intent of this chapter.
- (2) A division of land which, in the opinion of the Clerk of the Commission, meets all of the following requirements:
 - (a) The proposed division is not in conflict with general meaning and purpose of this chapter;
 - (b) No additional streets, roads or rights-of-way are needed to serve any parcel in the proposed division
 - (c) The proposed division of land does not include any dedication of land to public use;
 - (d) No parcel, including any parcel retained or held by the divider, resulting from such proposed division is less than 25 acres; and **[Amended 6-21-2005]**
- (3) Nonfamily division (excluding immediate family division): In Agricultural and Woodland-Conservation zoned districts, the Clerk may permit one division of a parcel into two parcels once every five years, provided that: **[Amended 4-9-1990; 6-21-2005; 4-15-2008; 11-17-2009]**
 - (a) Any streets, roads or rights-of-way providing means of ingress and egress for the tract to be subdivided shall be a minimum width of 50 feet to a dedicated recorded public street.*
 - (b) Each resulting parcel is in accordance with §§ 125-9 and 125-10 of the Zoning Ordinance.
 - (c) The parent tract has not been the subject of a previous division under this Subsection (3) within the last five years. **[Amended 11-17-2009]**
 - (d) A plat surveyed by a Commonwealth of Virginia certified land surveyor which shall include the following information:
 - [1] The name of the division owner, surveyor or engineer, the date of the drawing, the number of sheets, North point and scale. If true North is used, the method of determination must be shown.
 - [2] The location of the proposed division by an inset map at a scale of not less than one inch equals one mile, showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
 - [3] The boundary survey or existing survey of record, providing that such survey shows a closure with an

accuracy of not less than one in 2,500, and is drawn to scale of one inch equals 100 feet, unless the Clerk authorizes a different scale or graphic scale. The survey plat shall display the following:

- [a] Total acreage.
 - [b] Acreage of the divided area.
 - [c] Number and approximate area of all existing buildings and building sites.
 - [d] Wells and septic systems within the boundaries of the existing tract.
 - [e] Names of adjoining property owners.
 - [f] Zoning, use, and deed book and page number references for adjoining or adjacent properties, including those across rights-of-way and streets.
 - [g] Building restriction lines (BRLs) for the proposed parcel.
- [4] All existing, platted and proposed streets, their names, number and width; existing utility or other easements, public areas and parking spaces; culverts, drains, wet-weather streams and watercourses, their names and other pertinent data.
 - [5] To ensure that residents will have sufficient land upon which to build a home which is flood-free, the subdivider shall indicate any floodplains or floodways on the plat.
 - [6] Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
 - [7] All parcels of land to be dedicated for public use and the conditions of such dedication.
 - [8] Two copies of all plats and deed restrictions shall accompany the application.
 - [9] Any additional information requested by the Clerk.
- (e) Approval. The divider shall be advised, in writing, within 15 days for nonfamily divisions, which may be by formal letter or by legible markings on his copy of the plat, concerning any additional data that may be required.
 - (f) Fees. Nonfamily division review: \$200 per division.

* All entrances need to be reviewed and approved by VDOT prior to establishment in accordance with VDOT's current edition to the Minimum Standards of Entrances to State Highways. A VDOT permit shall be obtained prior to construction of any new entrances or improvements of any existing entrances.

- (4) Immediate family member division (review fee: \$200 per division): A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to any express requirement contained in the Code of Virginia and to the requirement imposed by the County of Page that all lots of less than five acres have a right-of-way of not less than 20 feet providing ingress and egress to a dedicated recorded public street or thoroughfare. The property owner requesting such subdivision shall have held fee simple title to the property to be subdivided for a period of five years prior to the filing of the family subdivision application. However, only one such division shall be allowed per family member and shall not be for the purpose of circumventing the purpose or provisions of this chapter. The transference of newly created immediate family lots to a person other than a member of the immediate family shall not take place for a period less than five years. The Clerk shall have the authority to allow a reconveyance prior to this time period, granted that the family member seeking the exception must provide the Clerk with documentation displaying an economic hardship, death, or marital status change occurring within this time frame. The aforementioned five-year reconveyance shall not prohibit a foreclosure or judicial sale, or an encumbrance with a deed of trust or mortgage, or a sale and transfer of such parcel in case of a foreclosure under a deed of trust or mortgage prior to the five years. For the purpose of this subsection, a "member of the immediate family" is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner. The applicant shall sign an affidavit certifying he/she is an immediate family member, which shall be recorded with the deed of conveyance and plat. All proposed entrances or existing entrances that will generate additional traffic will need to be reviewed and approved by VDOT prior to establishing the location of the twenty-foot right-of-way. Any new twenty-foot right-of-way created needs to meet minimum intersection sight distance criteria as established by the current edition of VDOT's Minimum Standards of Entrances to State Highways. A VDOT permit shall be obtained prior to construction of any new entrance(s) or improvement of any existing entrance(s). If multiple twenty-foot rights-of-way will be created adjacent to each other, a single standard private subdivision road/street entrance will be required to service the multiple rights-of-way at one entrance location in accordance with VDOT's Minimum Standards of Entrances to State Highways. The subdivider shall be advised in writing, within 15 days, which may be by formal

letter or by legible markings on his copy of the plat, concerning any additional data that may be required. Prior to approval, this division will require a plat surveyed by a Commonwealth of Virginia certified land surveyor which shall include the following information: **[Amended 6-21-2005; 4-15-2008; 11-17-2009]**

- (a) The name of the division owner, surveyor or engineer, the date of the drawing, the number of sheets, North point and scale. If true North is used the method of determination must be shown.
- (b) The location of the proposed division by an inset map at a scale of not less than one inch equals one mile, showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
- (c) The boundary survey or existing survey of record, provided that such survey shows a closure with an accuracy of not less than one in 2,500 and is drawn to a scale of one inch equals 100 feet, unless the Clerk authorizes a different scale or graphic scale. The survey plat shall display the following:
 - [1] Total acreage.
 - [2] Acreage of the divided area.
 - [3] Number and approximate area of all existing buildings and building sites.
 - [4] Wells and septic systems within the boundaries of the existing tract.
 - [5] Names of adjoining property owners.
 - [6] Zoning, use, and deed book and page number references for adjoining or adjacent properties, including those across rights-of-way and streets.
 - [7] Building restriction lines (BRLs) for the proposed parcel.
- (d) All existing platted and proposed streets, their names, number and width; existing utility or other easements, public areas and parking spaces; culverts, drains, wet-weather streams and watercourses, their names and other pertinent data.
- (e) To ensure that residents will have sufficient land upon which to build a house which is flood-free, the subdivider shall indicate any floodplains or floodways on the plat.
- (f) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

- (g) All parcels of land to be dedicated for public use and the conditions of such dedication.
- (h) Two copies or all plats and deed restrictions shall accompany the application.
- (i) Any additional information requested by the Clerk.

SUBDIVIDER — An individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

SUBDIVISION — The division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258 of the Code of Virginia.**[Added 6-21-2005]**

SURVEYOR — A person licensed and certified as such by the Commonwealth of Virginia.¹

§ 100-4. Exceptions. [Amended 6-21-2005; 11-18-2014]

The Page County Board of Zoning Appeals (the board) is authorized to grant variances in accordance with § 15.2-2309 of the Code of Virginia. Applications for special exceptions and variances may be made by any property owner, government official, department, board or bureau. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. No special exceptions or variances shall be authorized except after notice and hearing as required by § 15.2-2204. The Zoning Administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing. No application for a special exception or variance shall be considered by the board within one year from the date that an application for the same or substantially the same request on the same parcel of land was denied.

1. Editor's Note: Former § 100-4, Exemptions, which immediately followed this section, was repealed 6-21-2005. This ordinance also provided for the redesignation of former §§ 100-5 through 100-13 as §§ 100-4 through 100-12, respectively.

§ 100-5. Violations and penalties. [Amended 12-12-2004]

Any person violating the provisions of this chapter shall be subject to a fine of not more than \$2,500 or imprisonment for not more than 12 months, or both, per each lot or parcel of land so subdivided or transferred or sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.²

§ 100-6. Amendments.

This chapter may be amended in whole or in part by the governing body in accordance with the requirements of § 15.1-431 of the Code of Virginia, as amended.

§ 100-7. Administration and enforcement.

- A. The Clerk of the Commission shall be charged with the enforcement of the provisions of this chapter.
- B. The Clerk of the Commission shall be the agency or person appointed by the governing body. If no such agency or person is appointed as Clerk, the governing body shall be deemed the Clerk and so act until a Clerk is duly appointed. In so doing, the Clerk shall be considered the Clerk of the governing body, and approval or disapproval by the Clerk shall constitute approval or disapproval as though it were given by the governing body. The Clerk shall also consult with the Commission on matters contained herein.
- C. In the performance of his duties, the Clerk may call for opinions or decisions, either verbal or written, from other departments or qualified persons in considering details of any submitted plat. In addition to the regulations herein contained for the platting of the subdivisions, the Clerk may, from time to time, establish any reasonable additional administrative procedures with the approval of the governing body for the proper administration of this chapter.

2. Editor's Note: Original Section 10-7, Enforcement, which immediately followed this section, was deleted 12-12-1994.

ARTICLE II

Classification of Subdivisions; Requirements**§ 100-8. Subdivisions classified. [Amended 9-16-2008]**

Subdivisions not otherwise exempted by definition as stated in Article I, § 100-3, of this chapter, shall be classified as follows:

- A. Class A subdivision: a subdivision creating any lot less than three acres in the R (Residential), C-1 (Commercial), or I-1 (Industrial) Zoning District.
- B. Class B subdivision: a subdivision which results in all lots being three acres or more in the R (Residential), C-1 (Commercial), or I-1 (Industrial) Zoning District.

§ 100-9. General requirements.

General requirements for Class A and Class B subdivisions shall be as follows:

- A. Preliminary sketch.
 - (1) The subdivider may, if he so chooses, submit to the Clerk a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the Clerk to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The Clerk, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The Clerk may mark the preliminary sketch indicating the necessary changes, and any such marked sketch shall be returned to the subdivider with the preliminary plat.
 - (2) Requisites for preliminary sketch. It shall be drawn on white paper or on a print of a topographic map of the property. It shall be drawn to a scale of 200 feet or less to the inch. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
- B. Preliminary plat. The subdivider shall present to the Clerk five prints of a preliminary layout at a scale of 200 feet or less to the inch as a preliminary plat.
 - (1) Requisites for preliminary plat shall be as follows:

- (a) The name of the subdivision owner, subdivider, surveyor or engineer, the date of the drawing, the number of sheets, North point and scale. If true North is used, the method of determination must be shown.
 - (b) The location of the proposed subdivision by an inset map at a scale of not less than one inch equals one mile, showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
 - (c) The boundary survey or existing survey of record, provided that such survey shows a closure with an accuracy of not less than one in 2,500; total acreage, the acreage of the subdivided area, the number and approximate area and frontage of all building sites, the existing buildings within the boundaries of the tract and the names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
 - (d) All existing, platted and proposed streets, their names, number and width; existing utility or other easements, public areas and parking spaces; and culverts, drains and watercourses, their names and other pertinent data.
 - (e) The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well-defined natural drainage.
 - (f) A cross section showing the proposed street construction depth and type of base, type of surface, etc.
 - (g) A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.
 - (h) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
 - (i) All parcels of land to be dedicated for public use and the conditions of such dedication.
 - (j) A copy of all protective covenants and deed restrictions shall accompany the plat.
- (2) Approval. The Clerk or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter. The subdivider shall then be advised, in writing, within 45 days, which may be by formal letter or by

legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made and an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the Clerk shall consult with a duly licensed engineer who shall prepare this data for the Clerk and/or may require a bona fide estimate of the cost of improvements to be furnished by the subdivider. Approval by the Clerk of the preliminary plat does not constitute a guarantee of approval of the final plat.

- C. Final plat. Any owner or developer of any tract of land situated within Page County, Virginia, who proposes to subdivide the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Circuit Court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the Clerk of the Commission in accordance with the requirements set forth in this chapter. No lot shall be transferred or sold until a final plat for the subdivision shall have been approved and recorded. The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the Clerk a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The Clerk may, on written request by the subdivider, grant an extension of this time limit.

(1) Requisites for final plat.

- (a) Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title; when the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat; provided, however, that nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans or plats of a proposed subdivision by the owner of the land, city planners, land planners, architects, landscape architects or others having training or experience in subdivision planning or design.
- (b) In addition, the plat submitted for approval and recording shall be clearly and legibly drawn on stable transparent material at a scale of 200 feet to the inch on sheets having a size of 13 1/2 inches by 17 inches, and a blank oblong space three inches shall be reserved for the use of the Commission.

- (c) In addition, there shall be an accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names, numbers and widths, existing utilities and those to be provided, such as sanitary sewers, storm drains, water mains, manholes and underground conduits, including their size and type, watercourses and their names and names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- (d) Distances and bearings must balance and close with an accuracy of not less than one in 10,000. All bearings shall be calculated from State Grid North, and at least one point shall have State Plane coordinates.
- (e) The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.
- (f) There shall be so indicated on the face of the plat the lots which are currently suitable for sewage disposal system installation by using the following language: "preliminary approval of the local Health Department for sewage disposal system installation." There shall be so indicated on the face of the plat the lots which are not currently suitable for sewage disposal system installation by using the following language: "preliminary testing by the local Health Department indicates not suitable for sewage disposal system installation." The Clerk shall require the subdivider to furnish evidence from the local Health Department showing the results of the testing of the lots shown on the final plat. There shall be indicated on the face of the plat the date of sewage disposal system approval or disapproval of each lot by the Health Department. **[Amended 6-21-2005]**
- (g) All lots or parcels that are not approved for sewage disposal systems after subdividing must be added to adjacent lots or otherwise disposed of rather than being allowed to be used as unusable parcels. **[Added 6-21-2005³]**
- (h) A deed of dedication shall accompany the final plat, and every such plat or deed of dedication to which the plat is attached shall contain, in addition to the professional engineer's or land surveyor's certificate, a statement as follows: "The platting or

3. Editor's Note: This ordinance also provided for the redesignation of former Subsection C(1)(g) as Subsection C(1)(h).

dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any." The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgment of deeds. When thus executed and acknowledged, the plat, if so approved, shall be filed and recorded in the office of the Clerk of the Circuit Court and indexed in the general index to deeds under the names of the owners of land signing such statement and under the name of the subdivision.

(2) Approval and recordation.

- (a) The Clerk shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving such plat, in writing, and giving with the latter specific reasons therefor. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself and shall relate in general terms such modifications or corrections as will permit approval of the plat.
- (b) If the Clerk fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, the subdivider, after 10 days' written notice to the Commission or the Clerk, may petition the Circuit Court of the County to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper, which may include directing approval of the plat.
- (c) The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of designs in accordance with this chapter and has made satisfactory arrangements for bond with surety to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the Clerk. Approval of the final plat shall be written on the face of the plat by the Clerk. The subdivider shall record the plat within 60 days after final approval; otherwise, the Clerk shall mark the plat "void" and return the same to the subdivider.
- (d) A plat of the size and scale required by this chapter shall be submitted to the Commissioner of Revenue's office for transfer to the Page County Tax Maps and Records at the time of recording of any subdivision with the Clerk of the Circuit Court of Page County.
- (e) Recordation of plat as transfer of streets, termination of easements and rights-of-way, etc. The recordation of such plat shall operate to transfer, in fee simple, to the County such

portion of the premises platted as is on such plat set apart for streets, alleys or other public use and to transfer to the County any easement indicated on such plat to create a public right of passage over the same; but nothing contained in this subsection shall affect any right of a subdivider of land heretofore validly reserved.

- (3) Appeal. In the event that a plat for a subdivision is disapproved by the Clerk, the subdivider may appeal directly to the Planning Commission of Page County, which may override the recommendation of the Clerk and approve said plat. In the event that a plat for subdivision is disapproved on appeal by the Planning Commission, the subdivider may appeal to the Board of Supervisors of Page County, which may override the recommendation of the Planning Commission and approve said plat. If the Planning Commission and the Board of Supervisors disapprove the proposed plat and the subdivider contends that such disapproval was not properly based on the chapter applicable thereto or was arbitrary or capricious, he may appeal to the Circuit Court, and said Court shall hear and determine the case as soon as may be, provided that the appeal is filed with the Circuit Court within 60 days of the written disapproval by the Board of Supervisors. The subdivider shall, however, have the right to appeal the decision of the Planning Commission directly to the Circuit Court within 60 days of the written disapproval by such Planning Commission.
- D. Changes. No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the Clerk has been endorsed, in writing, on the plat or sheets, unless authorization for such changes has been granted, in writing, by the Clerk.
- E. Fees. There shall be a fee of \$250 per plat and \$40 per lot for the examination and review of every plat submitted to the Clerk, said fee to be filed with the preliminary plat in the form of a check made payable to the Treasurer of Page County. A record of the plat and lot fee will be kept by the Clerk of the Commission regardless of approval or disapproval of the plat. Lot fees shall be returned if the plat is not approved; however, the plat fee of \$250 will be retained. **[Amended 6-15-1992]**
- F. Bonding.
- (1) Before any subdivision plat will be finally approved by the Clerk, the subdivider shall, as a condition for the acceptance of dedication for public use of any right-of-way located within any subdivision which has constructed or proposed to be constructed within the subdivision any street, curb, gutter, sidewalk, bicycle trail, drainage or sewer system, waterline, as part of a public system, or other improvement, financed or to be financed in whole or in part by private funds, be required to certify to the governing body that

the construction costs have been paid to the person constructing such facilities or furnish to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned, or furnish to the governing body a bank or savings and loan association's letter of credit on designated funds satisfactory to the governing body as to the bank or savings and loan association, the amount and the form; and, in the event that the governing body has accepted the dedication of a road for public use and such road, due to factors other than its quality of construction, is not acceptable into the Virginia Department of Transportation system, the governing body shall require the subdivider or developer to furnish the County with a maintenance and indemnifying bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the state highway system or, in lieu of such bond, a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the governing body as to the bank or savings and loan association, the amount and the form. "Maintenance of such road" shall be deemed to mean maintenance of the streets, curbs, gutters, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage. **[Amended 6-21-2005]**

- (2) The performance guaranty shall be calculated by the Clerk to secure the required improvements in a workmanlike manner and in accordance with specifications, geometric design standards and construction schedules established or approved by the Virginia Department of Transportation Engineer, the Health Official, etc. The completion schedules shall be made known by the subdivider to the purchasers of the properties affected. Such performance guaranty may be extended upon application to and approval by the Clerk and the governing body. All performance guaranties shall be payable to and held by the governing body. **[Amended 6-21-2005]**
- (3) The governing body shall provide a complete release of any bond, escrow, letter of credit or other performance guaranty required hereunder within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder unless the governing body notifies said subdivider or developer, in writing, of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of said thirty-day period; provided, however, that the governing body shall not be required to release such bond, escrow, letter of credit or other performance guaranty

in an amount to exceed 90% of the actual cost of the construction for which the bond was taken until such facilities have been completed and accepted by the governing body or state agency. For the purposes of this subsection, a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor or from a department or agency designated by the local government may be accepted without requiring further inspection of such facilities.

G. Resubdivision of existing lots. **[Amended 9-6-1994]**

- (1) Lots in an existing subdivision may be resubdivided if the lots resulting from such resubdivision meet all other requirements of the Code of Page County, Virginia, including, but not limited to, lot size, acreage and road or right-of-way access. The owner of such lot requesting a resubdivision shall furnish to the Zoning Administrator certified copies from the Clerk's Office of the Circuit Court of Page County, Virginia, evidencing the restrictive covenants and restrictions currently in effect in such subdivision. If the restrictive covenants or restrictions in effect in such subdivision disallow redivision of lots in the subdivision, then such proposed resubdivision shall not be approved by the Zoning Administrator. Prior to the Zoning Administrator authorizing approval of the resubdivision, the owner of such lot shall apply for and receive written approval of the Page County Health Department that the proposed lots resulting from said resubdivision shall meet preliminary approval for a sewage disposal system installation. **[Amended 9-15-1997; 6-21-2005]**
- (2) Resubdivided lots shall not be smaller in size than those lots allowed in the original subdivision. Requests for such resubdivision shall be accompanied by the appropriate plat as required by this chapter.

H. Suitability of land; flood control and drainage; sediment and erosion control.

- (1) The Clerk shall not approve the subdivision of land if, from adequate investigations, including a soil survey where required, conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for plotting and development purposes of the kind proposed.
- (2) Land subject to frequent overflow or land with Category E or F slopes with highly erosive soils, as determined by a soil survey, shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by

frequent overflow or shall not produce conditions contrary to public welfare.

- (3) To ensure that residents will have sufficient land upon which to build a house which is flood-free, the Clerk may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of floodwaters.
- (4) The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide a qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The Virginia Department of Transportation Engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the Virginia Department of Transportation Engineer. **[Amended 6-15-2005]**

§ 100-10. Class A subdivision.

- A. In addition to those general requirements specified in Article II, § 100-9, a proposed Class A subdivision shall be subject to the following requirements and regulations acknowledging that there is a mutual responsibility between the subdivider and Page County, Virginia, to divide the land so as to improve the general use pattern of the land being subdivided.
- B. Required improvements. All required improvements shall be installed by the subdivider at his cost. In cases where specifications and geometric design standards have been established either by the Virginia Department of Highways for streets, curbs, etc., or by local chapters and codes, such specifications shall be followed.

(1) Lot size. [Amended 6-21-2005]

- (a) See Zoning Ordinance § 125-11.E
- (b) Exceptions. Greater lot areas may be required where individual sewage disposal systems or individual wells are used if the Health Official determines that there are factors of drainage, soil conditions or other conditions to cause potential health problems.

- (2) Lot shape, design, arrangement and purpose. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and conform to requirements of this chapter. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

- (a) Location. Each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street or part of the highway system. If the existing streets are not of sufficient width to comply with this chapter, the subdivider shall dedicate enough land to provide a street of sufficient width to conform with the requirements of this chapter measuring from the center line of said existing street for 1/2 of the total width.⁴
- (b) Side lines. Side lines of lots shall be approximately at right angles or radial to the street line. **[Amended 6-21-2005]**
- (c) Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- (d) Separate ownership. Where the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the Clerk of the Court and held with the final plat until the subdivider is ready to record the same, and they both shall then be recorded together.
- (e) Business or industrial lots. Lots intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities. Each case must be approved in advance by the Planning Commission of Page County.
- (f) Automobile access required. All lots appearing on a subdivision plat will have access by conventional automobiles primarily designed for highway use to an approved building site on that lot, or, if any lot does not have such access, sufficient warning will be set forth on the plat to so alert prospective purchasers. Any lot not having such access and which is identified by such warning will have access to sufficient area for off-street parking that will accommodate at least two ten-foot by twenty-foot parking spaces.
- (g) Lots marked. Lot corners shall be marked with iron pipe not less than 3/4 inch in diameter and 36 inches long and driven so as to be not less than 10 inches above the ground with finished grade. When rock is encountered, a hole shall be drilled four

4. Editor's Note: Former Subsection B(2)(b), Building line; B(2)(c) Corner; and B(2)(d), Cul-de-sac, which immediately followed this subsection, were repealed 6-21-2005. This ordinance also provided for the redesignation of former Subsections B(2)(e) through (j) as Subsections B(2)(b) through (g), respectively.

inches deep in the rock, into which shall be cemented a steel rod 1/2 inch in diameter, the top of which shall be not less than 10 inches above the finished grade.

(3) Blocks.

- (a) Length. The maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.
- (b) Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where backing on major streets, unless prevented by topographical conditions or size of the property, in which case the Clerk may approve a single tier of lots of minimum depth.
- (c) Orientation. Where a proposed subdivision will adjoin a major road, the Clerk may require that the greater dimension of the block shall back upon such major thoroughfare to avoid unnecessary ingress or egress.

(4) Streets.

- (a) Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Clerk, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property where they shall terminate in temporary culs-de-sac. Upon extension to the adjacent street system, remnants of the temporary cul-de-sac shall revert to the lot owners adjoining said cul-de-sac. Half streets along the boundary of land proposed for subdivision shall not be permitted. Whenever possible, streets shall intersect at right angles as established by the standards and rules of the Virginia Department of Transportation. **[Amended 6-21-2005]**
- (b) Service drives. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distance shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any

future separation of grades as established by the standards and rules of the Virginia Department of Transportation. **[Amended 6-21-2005]**

- (c) Approach angle. Major streets shall approach major, collector or minor streets at an angle of not less than 80°; and in all hillside areas, streets running with contours shall be required to intersect at angles not less than 60°, unless the Clerk, upon recommendation by the Virginia Department of Transportation Engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns as established by the standards and rules of the Virginia Department of Transportation. **[Amended 6-21-2005]**
- (d) Minimum widths. The minimum widths of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan as established by the standards and rules of the Virginia Department of Transportation. **[Amended 6-21-2005]**
 - [1] Local service drives which cannot be extended in the future: not less than 50 feet.
 - [2] Alleys, if permitted: not less than 20 feet nor more than 28 feet.
- (e) Access streets, roads or rights-of-way. Any street, road or right-of-way providing means of ingress and egress for the tract to be subdivided shall be of a minimum width of 50 feet.
- (f) Construction requirements. All subdivision streets and roads shall be constructed in accordance with the Virginia Department of Transportation secondary subdivision roads specifications and requirements. **[Amended 6-21-2005]**
- (g) Alleys. Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the Clerk.
- (h) Private streets and reserve strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.
- (i) Cul-de-sac. Minor terminal streets (cul-de-sac) designed to have one end permanently closed shall be no longer than 400 feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround having a right-of-way width as established by the standards and rules of the Virginia Department of Transportation. **[Amended 6-21-2005]**

- (j) Names. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on the preliminary and final plat and shall be approved by the Clerk. Names of existing streets shall not be changed except by approval of the governing body. The Clerk shall keep a list of all street names.
 - (k) Identification signs. Street identification signs of a design consistent with the regulations of the Virginia Department of Transportation shall be installed at all intersections. Also need to be consistent with regulations of County of Page since named street identification signs are not installed or maintained by VDOT. **[Amended 6-21-2005]**
 - (l) Monuments. Concrete monuments four inches in diameter or square and three feet long, with flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angles, point and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set three inches above the finished grade. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this chapter are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Clerk before any improvements are accepted by the governing body.
- (5) Sewage disposal system. The Clerk shall require that data from a soil survey be submitted as a basis for passing upon subdivisions dependent upon on site sewage disposal as a means of sewage disposal. The Clerk shall not approve any subdivision where a sanitary sewer system is not provided, unless the Clerk shall receive, in writing, from the Soil Conservationist of the United States Department of Agriculture a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of sewage disposal systems and that they will not, so far as can be determined, create hazards to public health and that such approval by the Clerk is only with the understanding that where on site sewage disposal systems are to be installed these must be approved on an individual lot basis by the State Health Department of Virginia or the Local Health Official. **[Amended 6-21-2005]**
- (6) Easements. The Clerk may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than 15 feet in width shall be provided for

water, sewer, power lines and other utilities in the subdivision when required by the Clerk.

- (7) Public water. Where public water is available within 200 feet of the boundary line of the subdivision, the services shall be extended to all lots within said subdivision.
- (8) Private water and/or sewer. Nothing in this chapter shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities; provided, however, that any such installations must meet all of the specific requirements of the State Health Department, and specific approval of the same must be obtained from the Commission. **[Amended 6-21-2005]**
- (9) Fire protection. The installation of adequate fire hydrants in a subdivision at locations approved by the Clerk shall be required, provided that public water is available. The Clerk shall consult with the National Board of Fire Underwriters before approving such locations.

§ 100-11. Class B subdivision.

- A. In addition to those general requirements specified in Article II, § 100-9, a proposed Class B subdivision shall be subject to the following requirements and regulations, acknowledging that there is a mutual responsibility between the subdivider and Page County, Virginia, to divide the land so as to improve the general use pattern of the land being subdivided.
- B. Requirements.
 - (1) Roads. Each lot shall front on a public right-of-way of a minimum to be in accordance with the Virginia Department of Transportation secondary subdivision road specifications and requirements, and each lot shall have a minimum frontage on said right-of-way of 200 feet with specific requirements as follows: **[Amended 6-21-2005]**
 - (a) All subdivision streets and roads shall be constructed in accordance with the Virginia Department of Transportation secondary subdivision roads specifications and requirements.
 - (b) An adequate cul-de-sac shall be provided in accordance with the Virginia Department of Transportation to allow safe maneuvering by service vehicles, highway equipment, school buses and fire trucks.
 - (c) Private entrances to lots shall be at least 50 feet apart and shall be arranged in such manner as to assure the safe channelization of traffic.
 - (d) At all intersecting streets, a relatively flat landing should be provided on the side streets and should be of sufficient length

to accommodate at least one vehicle. An appropriate transition vertical curve shall be provided to blend intersecting routes and to direct storm drainage to the curb or ditch to prevent the sheet flow of drainage across the intersection from the intersecting street.

- (2) Access streets, roads or rights-of-way. Any streets, roads or rights-of-way providing means of ingress and egress for the tract to be subdivided shall be of a minimum width of 50 feet.

§ 100-12. Subdivision of land adjacent to incorporated town.

Whenever any part of any subdivision lies within the corporate limits of any town having a zoning or other land use ordinance, the Planning Commission may require compliance with such town's ordinances, in lieu of this chapter, in order to provide for unity of subdivision and to avoid future conflicts in case of the expansion of such town if, in their judgment, this compliance would be necessary for the protection of the health, safety and welfare of future residents and for the orderly development of the general area.

§ 100-13. Pit and tank privies. [Added 6-21-2005]

In no case shall pit or tank privies be approved in any zoning districts unless approved by the Board of Supervisors.

§ 100-14. Advertising standards.

A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to the following items:

- A. Whether officially approved public water and public sewage facilities are available or not;
- B. The amount of officially public approved water available to each lot purchaser in terms of gallons per day; and **[Amended 6-21-2005]**
- C. No advertising signs advertising a subdivision tract for sale shall be placed within VDOT's roadways rights-of-way. **[Amended 6-21-2005]**

